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13 Attorneys for *Plaintiff*, MARCO MILLA

14 **UNITED STATES DISTRICT COURT**

15 **CENTRAL DISTRICT OF CALIFORNIA**

16 MARCO MILLA an individual,  
17 Plaintiff,

18 vs.

19 CITY OF LOS ANGELES a municipal  
20 entity; LOS ANGELES POLICE  
21 DEPARTMENT, a municipal entity;  
22 COUNTY OF LOS ANGELES,  
23 DETECTIVE R. ULLEY AND  
24 DETECTIVE J. VANDER HORCK, and  
25 DOES 1 through 100, inclusive,

26 Defendants.

27 Case No. CV-00134-FWS-MRW  
28 Hon. Judge Fred W. Slaughter  
Hon. Magistrate Judge Michael R. Wilner

**PLAINTIFF MARCO MILLA'S  
AMENDED MOTION IN LIMINE NO.  
1 TO EXCLUDE EVIDENCE OF  
IRRELEVANT MATTERS RAISED  
AT PLAINTIFF'S DEPOSITION**

**Trial**

**Date:** 05/16/2023  
**Time:** 08:30 AM  
**Courtroom:** 10D, Santa Ana

**Pre-Trial Conference**

**Date:** 05/05/2023  
**Time:** 09:00 AM  
**Courtroom:** 10D, Santa Ana

1 TO THE HONORABLE COURT, ALL PARTIES, AND THEIR COUNSEL OF  
2 RECORD:  
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4 PLEASE TAKE NOTICE that on May 16, 2023, at 8:30 a.m. before the Honorable  
5 Fred W. Slaughter in Courtroom 10D in the above-entitled Courthouse, Plaintiff  
6 MARCO MILLA ("Plaintiff MILLA") by and through his counsel Martin Stanley of the  
7 Law Offices of Martin Stanley, hereby moves this Court for an *in limine* ruling to exclude  
8 evidence of irrelevant matters that Defendants raised at the time of Plaintiff MILLA's  
9 deposition in this case on December 22, 2016.  
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12 This Motion is made on the grounds that the matters described below are  
13 potentially immaterial, irrelevant, and inadmissible pursuant to Federal Rules of Evidence  
14 ("FRE"), Rule 402. Further, to the extent that the matters described below are tangentially  
15 relevant to the claims in this case, such matters should be excluded under FRE Rule 403.  
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17 The following matters would be improper and prejudicial if made known to the jury, even  
18 if the Court were to sustain an objection and instruct the jury not to consider such facts  
19 for any purpose. The probable impact of ordering the jury to disregard interrogation,  
20 comments, or offers in front of the jury would not cure such prejudice, but rather  
21 reinforce the impact of such prejudicial matters on the minds of the Jurors.  
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24 This Motion is based on the supporting Memorandum of Points and Authorities,  
25 the pleadings and papers on file in this action, and upon such of the argument and  
26 evidence as may be presented prior to or at the hearing of this matter. Plaintiff MILLA's  
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1 counsel complied with Local Rule 7-3 by meeting and conferring with Defendants'  
2 counsel regarding this Motion in Limine.  
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5 DATED: April 13, 2023  
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Respectfully submitted,  
LAW OFFICES OF MARTIN STANLEY

By: /s/ Martin Stanley  
MARTIN STANLEY, ESQ.  
Attorneys for Plaintiff MARCO MILLA

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# MEMORANDUM OF POINTS AND AUTHORITIES

This case is about the wrongful incarceration of an innocent man, Plaintiff MILLA, who was imprisoned for more than 12 years and 8 months for a murder and five attempted murders he did not commit. In this civil action, Plaintiff MILLA alleges a Title 42 U.S.C., Section 1983 claim against Defendants.

Defendants took the deposition of Plaintiff MILLA on December 22, 2016. Defendants' counsel asked Plaintiff MILLA questions inquiring into multiple areas that are irrelevant to this case and are inadmissible under FRE Rule 402. Irrelevant evidence is not admissible. Further, to the extent that the matters described below are tangentially relevant to the claims in this case, such matters should be excluded under FRE, Rule 403 given the probative value of these matters is substantially outweighed by the danger of unfair prejudice, confusing the issues, misleading the jury, and wasting time.

Notwithstanding the fact that such topics have no tendency to make a fact more or less probable and are of no consequence to determining the action, Defendants' counsel inquired into the following areas with Plaintiff MILLA:

1. Plaintiff's relationship with Sandra Villalobos and her daughter Mariah, and the pending family law proceeding involving Plaintiff MILLA, Sandra Villalobos, and Mariah. (Plaintiff's Deposition Transcript, 13-14). Such information has absolutely no bearing regarding Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants. Further, such information is not relevant to determining the

1 cause or extent of Plaintiff MILLA's damages suffered in this case and should be  
2 excluded as hearsay, and per FRE 402 and 403.  
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4 2. Plaintiff's MILLA's former street name was "Drifter". (Plaintiff's Deposition  
5 Transcript, page 21.) Such information has absolutely no bearing regarding  
6 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants.  
7 It is irrelevant as to probable cause. Further such information is not relevant to  
8 determining the cause or extent of Plaintiff MILLA's damages suffered in this case  
9 and should be excluded as hearsay, and per FRE 402 and 403.  
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11 3. The identities of the individuals from 204<sup>th</sup> Street that Plaintiff sees on occasion at  
12 this time. (Plaintiff's Deposition Transcript, page 22.) This information is  
13 irrelevant, highly prejudicial and inadmissible character evidence. Such  
14 information has absolutely no bearing regarding Plaintiff MILLA's claims under  
15 Title 42 U.S.C. Section 1983 against Defendants. Further, such information is not  
16 relevant to determining the cause or extent of Plaintiff MILLA's damages suffered  
17 in this case, and should be excluded as hearsay, and per FRE 402 and 403.  
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19 4. Plaintiff MILLA's listed weight of 187 pounds at the time of his arrest in the  
20 underlying criminal case being the same number as California Penal Code, Section  
21 187. (Plaintiff's Deposition Transcript, pages 32-34.) This information is  
22 irrelevant, and invites the jury to make highly speculative and highly prejudicial  
23 inferences and would be inadmissible character evidence. Such information has  
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1 absolutely no bearing regarding Plaintiff MILLA's claims under Title 42 U.S.C.  
2 Section 1983 against Defendants. Plaintiff actually weight about that weight at the  
3 time he obtained his license. Further, such information is not relevant to  
4 determining the cause or extent of Plaintiff MILLA's damages suffered in this  
5 case, and should be excluded as hearsay, and per FRE 402 and 403.  
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7 5. Plaintiff's current weight and exercise regimen of kickboxing. (Plaintiff's  
8 Deposition Transcript, 35) Such information has absolutely no bearing regarding  
9 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants.  
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11 Further, such information is not relevant to determining the cause or extent of  
12 Plaintiff MILLA's damages suffered in this case, and should be excluded as  
13 hearsay, and per FRE 402 and 403.  
14

15 6. The location of Plaintiff MILLA's high school and post-high school camp.  
16 (Plaintiff's Deposition Transcript, 48-49). His one juvenile conviction for gun  
17 possession at age 11 or his probation are highly prejudicial and not relevant to  
18 probable cause. It would be used improperly as character evidence and is remote  
19 under FRE 609(b). Such information has absolutely no bearing regarding Plaintiff  
20 MJLLA's claims under Title 42 U.S.C. Section 1983 against Defendants. Further,  
21 such information is not relevant to determining the cause or extent of Plaintiff  
22 MILLA's damages suffered in this case, and should be excluded as hearsay, and per  
23 FRE 402 and 403.  
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1 7. Plaintiff MILLA's reading level. Plaintiff's Deposition Transcript, 49-50). Such  
2 information has absolutely no bearing regarding Plaintiff MILLA's claims under  
3 Title 42 U.S.C. Section 1983 against Defendants. Further, such information is not  
4 relevant to determining the cause or extent of Plaintiff MILLA's damages suffered  
5 in this case, and should be excluded as hearsay, and per FRE 402 and 403.  
6

7 8. Plaintiff MILLA's tattoos. (Plaintiff's Deposition Transcript, 51-55 & 158-159).  
8 Such information has absolutely no bearing regarding Plaintiff MILLA's claims  
9 under Title 42 U.S.C. Section 1983 against Defendants. MILLA's head tattoo was  
10 made after the offense in the underlying case herein. His body tattoos are  
11 irrelevant to probable cause. This evidence is highly prejudicial and would be  
12 improperly used as inadmissible character evidence. Further, such information is  
13 not relevant to determining the cause or extent of Plaintiff MILLA 's damages  
14 suffered in this case, and should be excluded as hearsay, and per FRE 402 and 403.  
15

16 9. The contents of Plaintiff MILLA 's C-File in prison. (Plaintiffs Deposition  
17 Transcript, page 90). Such information has absolutely no bearing regarding  
18 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against Defendant. It  
19 is not relevant to probable cause. It is highly prejudicial and would be improperly  
20 used as inadmissible character evidence. Further, such information is not relevant  
21 to determining the cause or extent of Plaintiff MILLA's damages suffered in this  
22 case, and should be excluded as hearsay, and per FRE 402 and 403.  
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1 10. Plaintiff MILLA 's disciplinary history in County Jail. (Plaintiff's Deposition  
2 Transcript, 97-98). Such information has absolutely no bearing regarding Plaintiff  
3 MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants. It is  
4 irrelevant to probable cause, it is highly prejudicial and would be improperly used  
5 as inadmissible character evidence. Further, such information is not relevant to  
6 determining the cause or extent of Plaintiff MILLA's damages suffered in this case,  
7 and should be excluded as hearsay, and per FRE 402 and 403.

8 11. Plaintiff MILLA's disciplinary history in prison. (Plaintiffs Deposition Transcript,  
9 98- 100). Such information has absolutely no bearing regarding Plaintiff MILLA's  
10 claims under Title 42 U.S.C. Section 1983 against Defendants. It is irrelevant to  
11 probable cause, it is highly prejudicial and would be improperly used as  
12 inadmissible character evidence. Further, such information is not relevant to  
13 determining the cause or extent of Plaintiff MILLA's damages suffered in this case,  
14 and should be excluded as hearsay, and per FRE 402 and 403.

15 12. Plaintiff MILLA's occasional use of marijuana, heroin, pruno, and alcohol while in  
16 prison and any such use since. (Plaintiff's Deposition Transcript, page 99-101.)  
17 Such information has absolutely no bearing regarding Plaintiff MILLA's claims  
18 under Title 42 U.S.C. Section 1983 against Defendants. Further, such information  
19 is not relevant to determining the cause or extent of Plaintiff MILLA's damages  
20 suffered in this case, and should be excluded as hearsay, and per FRE 402 and 403.

1 13. Plaintiff MILLA's belief that Salvador Pimentel was on meth on September 29,  
2 2001 or September 30, 2001. (Plaintiff's Deposition Transcript page 101-102.)  
3 Such information has absolutely no bearing regarding Plaintiff MILLA's claims  
4 under Title 42 U.S.C. Section 1983 against Defendants. Further he lacks personal  
5 knowledge of these matters. Further, such information is not relevant to  
6 determining the cause or extent of Plaintiff MILLA's damages suffered in this case,  
7 and should be excluded as hearsay, and per FRE 402 and 403.

8 14. Plaintiff MILLA's arrest in May 2001 for assault, and which charges were  
9 subsequently dropped by the District Attorney' Office. (Plaintiff's Deposition  
10 Transcript pages 114-115 and 175.) Such information has absolutely no bearing  
11 regarding MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants.  
12 Further, such information is not relevant to determining the cause or extent of  
13 Plaintiff MILLA's damages suffered in this case, and should be excluded as  
14 hearsay, and per FRE 402 and 403. It is not a relevant prior bad act and is  
15 extremely prejudicial.

16 15. Plaintiff MILLA's mother's recommendation that Plaintiff attend "AA" or "NA"  
17 (Plaintiff's Deposition Transcript, 127-128.) Such information has absolutely no  
18 bearing regarding Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983  
19 against Defendants. Further he lacks personal knowledge of these matters. Further,  
20 such information is not relevant to determining the cause or extent of Plaintiff  
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1 MILLA's damages suffered in this case, and should be excluded as hearsay, and  
2 per FRE 402 and 403.  
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4 16. Plaintiff MILLA's purchase and ownership of two homes. (Plaintiff's Deposition  
5 Transcript, page 132.) Such information has absolutely no bearing regarding  
6 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants.  
7 Further he lacks personal knowledge of these matters. Further, such information is  
8 not relevant to determining the cause or extent of Plaintiff MILLA's damages  
9 suffered in this case, and should be excluded as hearsay, and per FRE 402 and 403.  
10

11 17. Plaintiff MILLA's child support proceedings regarding his daughter Ruby Milla.  
12 (Plaintiff's Deposition Transcript, page 133.) Such information has absolutely no  
13 bearing regarding Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983  
14 against Defendants. Further he lacks personal knowledge of these matters.  
15 Further, such information is not relevant to determining the cause or extent of  
16 Plaintiff MILLA's damages suffered in this case, and should be excluded as  
17 hearsay, and per FRE 402 and 403.  
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19 18. Plaintiff MILLA's compensation from the State of California for wrongful  
20 conviction in the amount of \$654,500.00 and his use of these funds. (Plaintiff's  
21 Deposition Transcript, page 134-137 & 167.) Such information has absolutely no  
22 bearing regarding Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983  
23 against Defendants. Further he lacks personal knowledge of these matters.  
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1       Further, such information is not relevant to determining the cause or extent of  
2       Plaintiff MILLA's damages suffered in this case, and should be excluded as  
3       hearsay, and per FRE 402 and 403.  
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5       19. Plaintiff MILLA's work history in prison. (Plaintiff's Deposition Transcript, page  
6       147-148). Such information has absolutely no bearing regarding Plaintiff MILLA's  
7       claims under Title 42 U.S.C. Section 1983 against Defendants. Further, such  
8       information is not relevant to determining the cause or extent of Plaintiff MILLA's  
9       damages suffered in this case, and should be excluded as hearsay, and per FRE 402  
10      and 403.  
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12      20. Plaintiff MILLA's arrest history. (Plaintiff's Deposition Transcript, page 152 &  
13       158.) Such information has absolutely no bearing regarding Plaintiff MILLA's  
14       claims under Title 42 U.S.C. Section 1983 against Defendants. Further he lacks  
15       personal knowledge of these matters. Further, such information is not relevant to  
16       determining the cause or extent of Plaintiff MILLA's damages suffered in this case,  
17       especially since it is an improper use of a claimed prior bad act and is extremely  
18       prejudicial, and should be excluded as hearsay, and per FRE 402 and 403.  
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20      21. Any items seized from Plaintiff MILLA's home at the time of his arrest, given the  
21       admitted lack of connection between any physical evidence found, seized and  
22       analyzed to the shooting and Plaintiff MILLA. (Plaintiff's Deposition Transcript,  
23       page 154-156.) Such information has absolutely no bearing regarding Plaintiff  
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1 MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants. Further,  
2 such information is not relevant to determining the cause or extent of Plaintiff  
3  
4 MILLA's damages suffered in this case, and should be excluded as hearsay, and  
5 per FRE 402 and 403.

6 22. Plaintiff MILLA's personal opinion regarding his criminal defense trial attorney  
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8 Bruce Brown's representation of Plaintiff MILLA at the time of the underlying  
9 criminal trial. (Plaintiff's Deposition Transcript, pages 171-174.) Such  
10 information has absolutely no bearing regarding Plaintiff MILLA's claims under  
11 Title 42 U.S.C. Section 1983 against Defendants. Further he lacks personal  
12 knowledge of these matters. Further, such information is not relevant to  
13 determining the cause or extent of Plaintiff MILLA's damages suffered in this case,  
14 and should be excluded as hearsay, and per FRE 402 and 403, and it is improper  
15 lay opinion.

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20 Given the irrelevant and highly prejudicial nature of the topics listed above,  
21 Plaintiff MILLA respectfully requests that this Honorable Court issue an *in limine* order  
22 to preclude to Defendants, their counsel and their witnesses from mentioning any of these  
23 topics at the time of trial.

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1 DATED: April 13, 2023

Respectfully submitted,  
2 LAW OFFICES OF MARTIN STANLEY

3 By: /s/ Martin Stanley  
4 MARTIN STANLEY, ESQ.  
5 Attorneys for Plaintiff MARCO MILLA

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# DECLARATION OF MARTIN STANLEY

I, MARTIN STANLEY, declare:

1. I am an attorney duly licensed to practice law in this Court, attorney of record for Plaintiff MARCO MILLA. The facts herein are of my own personal knowledge, and if sworn I could and would competently testify thereto.
2. Plaintiff hereby moves in limine to preclude any of the following evidence which is highly prejudicial and irrelevant to the triable liability issue in this case (probable cause): Defendants took the deposition of Plaintiff MILLA on December 22, 2016. Defendants' counsel asked Plaintiff MILLA questions inquiring into multiple areas that are irrelevant to this case and are inadmissible under FRE Rule 402. Irrelevant evidence is not admissible. Further, to the extent that the matters described below are tangentially relevant to the claims in this case, such matters should be excluded under FRE, Rule 403 given the probative value of these matters is substantially outweighed by the danger of unfair prejudice, confusing the issues, misleading the jury, and wasting time. Notwithstanding the fact that such topics have no tendency to make a fact more or less probable and are of no consequence to determining the action, Defendants' counsel inquired into the following areas with Plaintiff MILLA:
  - 1.) Plaintiff's relationship with Sandra Villalobos and her daughter Mariah, and the pending family law proceeding involving Plaintiff MILLA, Sandra

1 Villalobos, and Mariah. (Plaintiff's Deposition Transcript, 13-14). Such  
2 information has absolutely no bearing regarding Plaintiff MILLA's claims  
3 under Title 42 U.S.C. Section 1983 against Defendants. Further, such  
4 information is not relevant to determining the cause or extent of Plaintiff  
5 MILLA's damages suffered in this case and should be excluded as hearsay,  
6 and per FRE 402 and 403.

7 2.) Plaintiff's MILLA's former street name was "Drifter". (Plaintiff's  
8 Deposition Transcript, page 21.) Such information has absolutely no  
9 bearing regarding Plaintiff MILLA's claims under Title 42 U.S.C. Section  
10 1983 against Defendants. It is irrelevant as to probable cause. Further such  
11 information is not relevant to determining the cause or extent of Plaintiff  
12 MILLA's damages suffered in this case and should be excluded as hearsay,  
13 and per FRE 402 and 403.

14 3.) The identities of the individuals from 204<sup>th</sup> Street that Plaintiff sees on  
15 occasion at this time. (Plaintiff's Deposition Transcript, page 22.) This  
16 information is irrelevant, highly prejudicial and inadmissible character  
17 evidence. Such information has absolutely no bearing regarding Plaintiff  
18 MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants.  
19 Further, such information is not relevant to determining the cause or extent  
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1 of Plaintiff MILLA's damages suffered in this case, and should be excluded  
2 as hearsay, and per FRE 402 and 403.  
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4.) Plaintiff MILLA's listed weight of 187 pounds at the time of his arrest in the  
5 underlying criminal case being the same number as California Penal Code,  
6 Section 187. (Plaintiff's Deposition Transcript, pages 32-34.) This  
7 information is irrelevant, and invites the jury to make highly speculative and  
8 highly prejudicial inferences and would be inadmissible character evidence.  
9 Such information has absolutely no bearing regarding Plaintiff MILLA's  
10 claims under Title 42 U.S.C. Section 1983 against Defendants. Plaintiff  
11 actually weight about that weight at the time he obtained his license.  
12 Further, such information is not relevant to determining the cause or extent  
13 of Plaintiff MILLA's damages suffered in this case, and should be excluded  
14 as hearsay, and per FRE 402 and 403.

15  
16 5.) Plaintiff's current weight and exercise regimen of kickboxing. (Plaintiff's  
17 Deposition Transcript, 35) Such information has absolutely no bearing  
18 regarding Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983  
19 against Defendants. Further, such information is not relevant to determining  
20 the cause or extent of Plaintiff MILLA's damages suffered in this case, and  
21 should be excluded as hearsay, and per FRE 402 and 403.  
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1 6.) The location of Plaintiff MILLA's high school and post-high school camp.  
2 (Plaintiff's Deposition Transcript, 48-49). His one juvenile conviction for  
3 gun possession at age 11 or his probation are highly prejudicial and not  
4 relevant to probable cause. It would be used improperly as character  
5 evidence and is remote under FRE 609(b). Such information has absolutely  
6 no bearing regarding Plaintiff MJLLA's claims under Title 42 U.S.C.  
7  
8 Section 1983 against Defendants. Further, such information is not relevant to  
9 determining the cause or extent of Plaintiff MILLA's damages suffered in  
10 this case, and should be excluded as hearsay, and per FRE 402 and 403.  
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12 7.) Plaintiff MILLA's reading level. Plaintiff's Deposition Transcript, 49-50).  
13 Such information has absolutely no bearing regarding Plaintiff MILLA's  
14 claims under Title 42 U.S.C. Section 1983 against Defendants. Further,  
15 such information is not relevant to determining the cause or extent of  
16 Plaintiff MILLA's damages suffered in this case, and should be excluded as  
17 hearsay, and per FRE 402 and 403.  
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19 8.) Plaintiff MILLA's tattoos. (Plaintiff's Deposition Transcript, 51-55 & 158-  
20 159). Such information has absolutely no bearing regarding Plaintiff  
21 MILLA's claims under Title 42 U .S.C. Section 1983 against Defendants.  
22 MILLA's head tattoo was made after the offense in the underlying case  
23 herein. His body tattoos are irrelevant to probable cause. This evidence is  
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1 highly prejudicial and would be improperly used as inadmissible character  
2 evidence. Further, such information is not relevant to determining the cause  
3 or extent of Plaintiff MILLA 's damages suffered in this case, and should be  
4 excluded as hearsay, and per FRE 402 and 403.  
5

6 9.) The contents of Plaintiff MILLA 's C-File in prison. (Plaintiffs Deposition  
7 Transcript, page 90). Such information has absolutely no bearing regarding  
8 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against  
9 Defendant. It is not relevant to probable cause. It is highly prejudicial and  
10 would be improperly used as inadmissible character evidence. Further, such  
11 information is not relevant to determining the cause or extent of Plaintiff  
12 MILLA's damages suffered in this case, and should be excluded as hearsay,  
13 and per FRE 402 and 403.  
14

15 10.) Plaintiff MILLA 's disciplinary history in County Jail. (Plaintiff's Deposition  
16 Transcript, 97-98). Such information has absolutely no bearing regarding  
17 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against  
18 Defendants. It is irrelevant to probable cause, it is highly prejudicial and  
19 would be improperly used as inadmissible character evidence. Further, such  
20 information is not relevant to determining the cause or extent of Plaintiff  
21 MILLA's damages suffered in this case, and should be excluded as hearsay,  
22 and per FRE 402 and 403.  
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1 11.) Plaintiff MILLA's disciplinary history in prison. (Plaintiffs Deposition  
2 Transcript, 98- 100). Such information has absolutely no bearing regarding  
3 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against  
4 Defendants. It is irrelevant to probable cause, it is highly prejudicial and  
5 would be improperly used as inadmissible character evidence. Further, such  
6 information is not relevant to determining the cause or extent of Plaintiff  
7 MILLA's damages suffered in this case, and should be excluded as hearsay,  
8 and per FRE 402 and 403.

12 12.) Plaintiff MILLA's occasional use of marijuana, heroin, pruno, and alcohol  
13 while in prison and any such use since. (Plaintiff's Deposition Transcript,  
14 page 99-101.) Such information has absolutely no bearing regarding  
15 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against  
16 Defendants. Further, such information is not relevant to determining the  
17 cause or extent of Plaintiff MILLA's damages suffered in this case, and  
18 should be excluded as hearsay, and per FRE 402 and 403.

22 13.) Plaintiff MILLA's belief that Salvador Pimentel was on meth on September  
23 29, 2001 or September 30, 2001. (Plaintiff's Deposition Transcript page  
24 101-102.) Such information has absolutely no bearing regarding Plaintiff  
25 MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants.  
26 Further he lacks personal knowledge of these matters. Further, such  
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1 information is not relevant to determining the cause or extent of Plaintiff  
2 MILLA's damages suffered in this case, and should be excluded as hearsay,  
3 and per FRE 402 and 403.  
4

5 14.) Plaintiff MILLA's arrest in May 2001 for assault, and which charges were  
6 subsequently dropped by the District Attorney' Office. (Plaintiff's  
7 Deposition Transcript pages 114-115 and 175.) Such information has  
8 absolutely no bearing regarding MILLA's claims under Title 42 U.S.C.  
9 Section 1983 against Defendants. Further, such information is not relevant  
10 to determining the cause or extent of Plaintiff MILLA's damages suffered in  
11 this case, and should be excluded as hearsay, and per FRE 402 and 403. It is  
12 not a relevant prior bad act and is extremely prejudicial.  
13

14 15.) Plaintiff MILLA's mother's recommendation that Plaintiff attend "AA" or  
15 "NA" (Plaintiff's Deposition Transcript, 127-128.) Such information has  
16 absolutely no bearing regarding Plaintiff MILLA's claims under Title 42  
17 U.S.C. Section 1983 against Defendants. Further he lacks personal  
18 knowledge of these matters. Further, such information is not relevant to  
19 determining the cause or extent of Plaintiff MILLA's damages suffered in  
20 this case, and should be excluded as hearsay, and per FRE 402 and 403.  
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22 16.) Plaintiff MILLA's purchase and ownership of two homes. (Plaintiff's  
23 Deposition Transcript, page 132.) Such information has absolutely no  
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1 bearing regarding Plaintiff MILLA's claims under Title 42 U.S.C. Section  
2 1983 against Defendants. Further he lacks personal knowledge of these  
3 matters. Further, such information is not relevant to determining the cause  
4 or extent of Plaintiff MILLA's damages suffered in this case, and should be  
5 excluded as hearsay, and per FRE 402 and 403.  
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8 17.) Plaintiff MILLA's child support proceedings regarding his daughter Ruby  
9 Milla. (Plaintiff's Deposition Transcript, page 133.) Such information has  
10 absolutely no bearing regarding Plaintiff MILLA's claims under Title 42  
11 U.S.C. Section 1983 against Defendants. Further he lacks personal  
12 knowledge of these matters. Further, such information is not relevant to  
13 determining the cause or extent of Plaintiff MILLA's damages suffered in  
14 this case, and should be excluded as hearsay, and per FRE 402 and 403.  
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17 18.) Plaintiff MILLA's compensation from the State of California for wrongful  
18 conviction in the amount of \$654,500.00 and his use of these funds.  
19  
20 (Plaintiff's Deposition Transcript, page 134-137 & 167.) Such information  
21 has absolutely no bearing regarding Plaintiff MILLA's claims under Title 42  
22 U.S.C. Section 1983 against Defendants. Further he lacks personal  
23 knowledge of these matters. Further, such information is not relevant to  
24 determining the cause or extent of Plaintiff MILLA's damages suffered in  
25 this case, and should be excluded as hearsay, and per FRE 402 and 403.  
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1 19.) Plaintiff MILLA's work history in prison. (Plaintiff's Deposition Transcript,  
2 page 147-148). Such information has absolutely no bearing regarding  
3 Plaintiff MILLA's claims under Title 42 U.S.C. Section 1983 against  
4 Defendants. Further, such information is not relevant to determining the  
5 cause or extent of Plaintiff MILLA's damages suffered in this case, and  
6 should be excluded as hearsay, and per FRE 402 and 403.  
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9 20.) Plaintiff MILLA's arrest history. (Plaintiff's Deposition Transcript, page  
10 152 & 158.) Such information has absolutely no bearing regarding Plaintiff  
11 MILLA's claims under Title 42 U.S.C. Section 1983 against Defendants.  
12 Further he lacks personal knowledge of these matters. Further, such  
13 information is not relevant to determining the cause or extent of Plaintiff  
14 MILLA's damages suffered in this case, especially since it is an improper  
15 use of a claimed prior bad act and is extremely prejudicial, and should be  
16 excluded as hearsay, and per FRE 402 and 403.  
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19 21.) Any items seized from Plaintiff MILLA's home at the time of his arrest,  
20 given the admitted lack of connection between any physical evidence found,  
21 seized and analyzed to the shooting and Plaintiff MILLA. (Plaintiff's  
22 Deposition Transcript, page 154-156.) Such information has absolutely no  
23 bearing regarding Plaintiff MILLA's claims under Title 42 U.S.C. Section  
24 1983 against Defendants. Further, such information is not relevant to  
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1 determining the cause or extent of Plaintiff MILLA's damages suffered in  
2 this case, and should be excluded as hearsay, and per FRE 402 and 403.  
3

4 22.) Plaintiff MILLA's personal opinion regarding his criminal defense trial  
5 attorney Bruce Brown's representation of Plaintiff MILLA at the time of the  
6 underlying criminal trial. (Plaintiff's Deposition Transcript, pages 171-174.)  
7 Such information has absolutely no bearing regarding Plaintiff MILLA's  
8 claims under Title 42 U.S.C. Section 1983 against Defendants. Further he  
9 lacks personal knowledge of these matters. Further, such information is not  
10 relevant to determining the cause or extent of Plaintiff MILLA's damages  
11 suffered in this case, and should be excluded as hearsay, and per FRE 402  
12 and 403, and it is improper lay opinion.  
13  
14

15 Given the irrelevant and highly prejudicial nature of the topics listed above,  
16 Plaintiff MILLA respectfully requests that this Honorable Court issue an *in limine* order  
17 to preclude to Defendants, their counsel and their witnesses from mentioning any of these  
18 topics at the time of trial.  
19

20 Finally, counsel have thoroughly met and conferred on this issue. Besides  
21 discussing this issue with defense counsel, among other things, on April 11, 2023, 2 days  
22 prior to filing, plaintiff's counsel emailed this motion in limine to defense counsel asking  
23 that he review it and respond as to whether he would agree to it or not.  
24

1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct and that this declaration was executed on April 13, 2023, at  
3 Santa Monica, California.  
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7 By: /s/ MARTIN STANLEY  
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## **PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 100 Wilshire Blvd, Suite 700, Santa Monica, California 90401.

**On April 13, 2023**, I served the foregoing document(s) on the interested parties in this action by email as follows:

### **Attorney for Defendants:**

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## KEVIN GILBERT

Email: [kgilbert@ohhlegal.com](mailto:kgilbert@ohhlegal.com)

BY ELECTRONIC DELIVERY DUE TO COVID-19

STATE: I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **April 13, 2023**, at Santa Monica, California

/s/ MARTIN STANLEY

Martin Stanley